

## CITY COMMISSION MINUTES

August 19, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, August 19, 2008 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Engineer Christina Cook, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

Item 3j was removed from the Consent Agenda for separate action.

Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Consent Agenda as amended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **August 5, 2008**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated July 31, 2008, through August 13, 2008, in the amount of \$803,983.77.
- c. Monthly Reports:
  1. Water Department
  2. Personnel Department
  3. Codes Department
  4. Rolling Meadows Golf Course
  5. Fire Department/EMS
  6. Police Department
  7. Recreation Department
- d. The consideration and approval of **Ordinance S-3020** changing the street named Spring Hill Drive and Hickory Lane in Tom Neal Industrial Park to Ethan Drive (**Final Reading**).
- e. The consideration and approval of **Ordinance S-3006** authorizing and providing the issuance of General Obligation Bonds, Series DS (Bartell House Parking (**Final Reading**)).
- f. The consideration and approval of **Pay Request #16** by Konza Construction for the completion of the 2005 Street Maintenance Program, in the amount of \$146,251.30.
- g. The consideration and approval for **Request of Bids** for equipment leasing of mowing units at Rolling Meadows Golf Course. (Current lease agreement expires January 1, 2009.)
- h. The consideration and approval of **Pay Request #14** by HNTB for work completed to-date for the US 77 and K-18 Corridor Study, in the amount of \$14,435.87. (Reimbursement from KDOT is 60% and 20% from Geary County; City portion of 20% = \$2,887.17)

- i. The consideration and approval of **Grant of Easement, Dedication of Street Right-of-Way and Donation of Right-of-Way** for property along K-18 and Karns for the Board of Education, USD 475.
- j. The consideration and approval of **Pay Request #4** by J&K Contracting, Inc., for services through July 28, 2008, for Turkey Hollow, in the amount of \$164,329.07. **(REMOVED FOR SEPARATE ACTION)**
- k. The consideration and approval of **Pay Request #10** by BG Consultants, Inc., for professional services completed through July 31, 2008, for the Ditch Drainage with Patch Project, in the amount of \$16,576.08. (KDOT will reimburse \$12,432.06)

#### **ITEMS FOR SEPARATE ACTION**

- j. The consideration and approval of **Pay Request #4** by J&K Contracting, Inc., for services through July 28, 2008, for Turkey Hollow, in the amount of \$164,329.07. Commissioner Taylor requested item 3j be removed from the Consent Agenda for separate action. Commissioner Taylor stated that he is upset that we continue to build and expand in this area. It is his understanding that no permits have been issued for this area. City Engineer, Christina Cook, stated that the Engineering Department is in the process of reviewing the plans. This pay request is for the streets, water, sewer, etc. and the City does not normally issue permits until the infrastructure is complete. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Pay Request #4 by J&K Contracting, Inc., for services through July 28, 2008 for Turkey Hollow in the amount of \$164,329.07. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.

#### **CELEBRATIONS**

Administrative Services Director/City Clerk, Tricia Gowen, presented the Commission with information on the Municipal Court and Administrative Services. The Court has experienced an increase of their case load; however, they have accommodated the increase successfully. The Court staff has implemented a number of policies and procedures that has greatly enhanced the efficiency of their office. The Administrative Services Department currently serves 291 employees (full time and part time) and provides human resources, Worker's Compensation, benefits, payroll, safety, employee assistance program, drug and alcohol testing program, to name a new of the programs.

#### **SPECIAL PRESENTATIONS**

- a. A special presentation by Mayor Wunder and Officer Wigton to the **August Yard of the Month Recipients:**
  - 1. Southeast                      The Bruzina Family
  - 2. Southwest                    The Duncan Family
  - 3. Northeast                    The Bachan Family
  - 4. Northwest                   The Jose Lopez-Velez Family
  - 5. West of 77                    The Heinz Family

## UNFINISHED BUSINESS

a. The consideration and approval to **Remove from Condemnation Process** the following properties as repairs have been done in the time allowed:

1. 510 W. Oak (R-2436 – Approved by Commission January 29, 2008)  
Acting Codes Administrator, Mark Karmann, informed the Commission that Mr. Eickholdt has take care of the repairs at 510 W. Oak. Commissioner Talley moved, seconded by Commissioner Heldstab to remove the property located at 510 W. Oak (R-2436) from the condemnation process. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
2. 222 W. Walnut (R-2432 – Approved by Commission January 29, 2008)  
Commissioner Heldstab moved, seconded by Commissioner Taylor to remove the property located at 222 W. Walnut (R-2432) from the condemnation process. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
3. 1212 N. Clay (R-2437 – Approved by Commission January 29, 2008)  
Commissioner Talley moved, seconded by Commissioner Rhodes to remove the property located at 1212 N. Clay (R-2437) from the condemnation process. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

b. The consideration and approval of **Request to Let for Bid** for demolition of the following properties due to little or no action taken in allowed timeframe:

1. 418 W. 15<sup>th</sup> Street (R-2439 – Approved by Commission January 29, 2008)  
Acting Codes Administrator, Mark Karmann, informed the Commission that this property has been sold to Gary Junghans who intends to demolish within 30 days from August 14, 2008. Mr. Karmann recommended proceeding with the bid process. When the demolition is completed, Mr. Karmann will come before the Commission to request removal of the property from the process. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the request to let for bid for the property located at 418 W. 15<sup>th</sup> Street (R-2439). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
2. 1204 N. Madison (R-2438 – Approved by Commission January 29, 2008)  
Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the request to let for bid for the property located at 1204 N. Madison (R-2438). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
3. 434 W. 4<sup>th</sup> Street (R-2433 – Approved by Commission January 29, 2008)  
Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the request to let for bid for the property located at 434 W. 4<sup>th</sup> Street (R-2433). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
4. 119 W. 12<sup>th</sup> Street (R-2434 – Approved by Commission January 29, 2008)  
Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve the request to let bid for the property located at 119 W. 12<sup>th</sup> Street (R-2434). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

5. 907 Meir Street (R-2440 – Approved by Commission January 29, 2008)  
Commissioner Rhodes moved, seconded by Commissioner Talley to approve the request to let bid for the property located at 907 Meir Street (R-2440). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## NEW BUSINESS

- a. The consideration and approval of **R-2490** authorizing the installation of floodlighting on the East side of the Spin City property. City Engineer, Christina Cook, informed the Commission that these lights replace the existing lights on the poles. The cost will be \$31.17 per month for each light. Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve R-2490 authorizing the installation of floodlighting on the East side of the Spin City property. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of **Policy Resolution 08-01** adopting a Code of Ethics for City Officials and City Employees. City Attorney, Katie Logan, stated that she had not received any comments or recommendations for changes from the Commission regarding this policy. She stated that if a complaint was filed under this policy, the complaint would be referred to her for her review and she would then report to the Commission. Commissioner Taylor requested examples of policies that include an Ethics Board to handle complaints. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Policy Resolution 08-01 adopting a Code of Ethics for City Officials and City Employees. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of the following **Neighborhood Revitalization Applications**:
1. Corine Johnson (Self Help Housing) to build a single family unit at 230 E. 16<sup>th</sup> Street, at an approximate cost of \$99,000.00. Project qualifies for 95% tax rebate for years 1 through 3; 80% tax rebate for year 4; 70% tax rebate for year 5; 60% tax rebate for year 6; 50% tax rebate for year 7; 40% tax rebate for year 8; 30% tax rebate for year 9; and 20% tax rebate for year 10. (EDC voted unanimously to approve.) Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Neighborhood Revitalization application for Corine Johnson (Self Help Housing) to build a single family unit at 230 E. 16<sup>th</sup> Street at an approximate cost of \$99,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  2. City of Junction City (Self Help Housing-High School House) to build a single family unit at the corner of 14<sup>th</sup> Street and Webster, at an approximate cost of \$114,995.00. Project qualifies for 95% tax rebate for years 1 through 3; 80% tax rebate for year 4; 70% tax rebate for year 5; 60% tax rebate for year 6; 50% tax rebate for year 7; 40% tax rebate for year 8; 30% tax rebate for year 9; and 20% tax rebate for year 10. (EDC voted unanimously to approve.) Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Neighborhood Revitalization application for the City of Junction City (Self Help Housing High School House) to build a single family unit at the corner of 14<sup>th</sup> Street and Webster at an approximate cost of \$114,995.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration and approval of the **2009 Proposed Annual Budget**. City Manager, Rod Barnes, informed the Commission that one mil is valued at \$163,681.00. The proposed budget before the Commission retains the sanitation services with Veolia Water and does not include Department Head raises. The Public Relations Director's salary is funded through the water fund. Commissioner Taylor stated that he is in favor of eliminating this position and

having the City's public relations on a contractual basis run through the City Manager's office and working with the CVB. He recommended funding the contract at \$35,000.00. Commissioner Taylor also is in favor of combining the Opera House and the Arts Council with the Opera House Director being in charge and hiring an assistant. Commissioner Heldstab has concerns with Commissioner Taylor's recommendation for combining the two departments. Commissioner Heldstab believes the opera house will take a lot of work to keep the schedule full of events. He believes the Opera House and the Arts Council should be kept separate. Commissioner Rhodes stated the public relations is a very important function. The CVB's purpose is to promote the area, not to promote the City and what we're doing. The CVB is very capable, but they do not have time to do the City's public relations. Commissioner Taylor stated that we have an Assistant City Manager who can do some of the public relations items and we should utilize other employees to do the public relations for the City. Mr. Barnes informed the Commission that the Public Relations Director salary of \$66,096 does not include expenditures for HK Associates, which has been mostly eliminated in the 2009 budget. Commissioner Heldstab asked if it would be possible for the Military Affairs Committee to plan the AUSA conference. Mr. Barnes stated that MAC does not schedule the City's meetings with the officials in Washington D.C. Commissioner Taylor moved, seconded by Commissioner Talley to eliminate the Public Relations Director position and fund \$35,000.00 for public relations services to be contracted out through the City Manager's office. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: Rhodes. Motion carried four to one. Commissioner Taylor made a motion to leave the funding as is for the Arts Council and the Opera House and combine the two departments with the Opera House Manager as the Director and the Arts Council Director as the Assistant. Commissioner Talley stated that he believes in the combination, however, he is uncertain how it should be combined. Commissioner Rhodes question if this motion was appropriate. City Attorney, Katie Logan, stated that the action is not impacting the budget, only reorganizing; therefore, a motion is not needed. Commissioner Rhodes stated that he is not opposed to the idea of the combination; however, he requests a work session to discuss how the reorganization would work and how it would affect the parties involved. Mr. Barnes stated that this will need a great deal of discussion and research. Commissioner Taylor withdrew his motion and requested a work session. Mr. Barnes informed the Commission that reducing the public relations budget to \$35,000.00 does not affect the mil levy because it is funded in the water fund. Commissioner Talley moved, seconded by Commissioner Taylor to approve the 2009 Proposed Annual Budget at 48.267 mils (an increase of 0.873 mils). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- e. The consideration and approval of **Ordinance S-3023** to rezone property generally located at Lot 1, Block 1, Village at Freedom Place, portion of right-of-way a replat of Commonwealth Addition and a portion of Lot 1, Block 1, Henderson Addition from Service Commercial (CS) District to General Commercial (CG) District. (MPC unanimously voted for approval of rezoning) **(First Reading)**. Commissioner Talley moved, seconded by Commissioner Taylor to approve Ordinance S-3023 to rezone property generally located at Lot 1, Block 1, Village at Freedom Place, portion of right-of-way a replat of Commonwealth Addition and a portion of Lot 1, Block 1, Henderson Addition from Service Commercial (CS) District to General Commercial (CG) District. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- f. The consideration and approval of **Ordinance S-3024** to rezone property generally located at Lot 1, Block 2, a replat of Commonwealth Addition from Service Commercial (CS) District to General Commercial (CG) District. (MPC unanimously voted for approval of rezoning) **(First Reading)**. Commissioner Taylor moved, seconded by Commissioner Talley to approve Ordinance S-3024 to rezone property general located at Lot 1, Block 2, a replat of

Commonwealth Addition from Service Commercial (CS) District to General Commercial (CG) District. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- g. The consideration and approval of **Amendment of Development Agreement** to Hunter's Ridge Addition Unit 2. Assistant City Manager, Mike Guinn, informed the Commission that the City is not participating in the cost of the infrastructure and will not assume it at a later date. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Amendment of Development Agreement to Hunter's Ridge Addition Unit 2. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration and approval of **R-2491** to set a public hearing date of September 30, 2008, for condemnation of property at 2505 S. Spring Valley Road, Junction City, KS. Acting Codes Administrator, Mark Karmann, informed the Commission that he has received a letter from Larry George stated that he plans to continue with the repairs and is working on a plan of action to address the repairs. Commissioner Rhodes moved, seconded by Commissioner Talley to approve R-2491 to set a public hearing date of September 30, 2008 for condemnation of the property located at 2505 S. Spring Valley Road, Junction City, KS. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- i. The consideration and approval of **R-2492** to set a public hearing date of September 30, 2008, for condemnation of property at 701 Chicago, Junction City, KS. Commissioner Talley moved, seconded by Commissioner Rhodes to approve R-2492 to set a public hearing date of September 30, 2008 for condemnation of the property located at 701 Chicago, Junction City, KS. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **GENERAL DISCUSSION**

*(The Commission requests that comments be limited to a maximum of five minutes for each person).*

**Alan Bontrager, 7926 Old Milford Road, Milford, KS** stated the debt load scares him; it doesn't need to be this way. The City must get back to operating like it did many years ago. He wants the community to come back together. He has a hard time understanding hwy the City takes on projects and wants someone to explain to him how the City wins with these projects. He believes a CFO should be hired and this person could spend more time on researching the projects, etc. The City needs to take a look at a CFO job description. Mr. Bontrager doesn't see the Commissioners standing up for the taxpayers. He thinks the City needs new leadership. It scares him how much money the City has spent.

**Mark Sanders, 2726 Glendean Road, Junction City, KS** stated that the Commission had a very difficult decision to make tonight. The Commission approved a \$4 million increase. He thinks the Commission should consider mandating an under run of the budget of two percent or five percent for the rest of 2008 and all of 2009. Also, the Commission should consider when they approve expenditures that they define the percentage of what is capital and what are expenses. They should define when the item is budgeted for and when it is funded. They should state what fund it is to be paid from and question whether the expense is appropriate. The Commission should know what fund the expense is to be paid from. Mr. Sanders also questioned where the financing is paid from – Temporary Notes, New funding, General Obligations Bonds, Revolving Loans, lease purchase, etc. and when. All of this should be required of the presenter.

**Matt Jackson, 1231 McFarland Road, Junction City, KS** stated he has 19+ years with the City and serves as the president of the Local #3309. He has received numerous letters regarding the staffing numbers that were mailed to the Commission with regards to other fire departments. He has the correct numbers and welcomes anyone to visit with him about the true information. Community is important to the fire and police personnel. Many of them grew up in this community, their children now attend the same schools; he wants to educate the public on what the fire department does. Mr. Jackson made a pledge that the union will educate the public on what they actually do. He will attend any meeting, group, etc. and will attend them during his off time. He wants to bring the community together.

## **COMMISSIONER COMMENTS**

**Commissioner Heldstab** thanked the City staff for a long, tough budget process. He stated that the Department Heads gave up their annual salary increases for the betterment of the City. Job well done to staff and thanked them again for their work. Commissioner Heldstab stated that he appreciates the public comment on the budget process.

**Commissioner Rhodes** thanked the City staff for their work and input during the budget process. He appreciates the public comments also. He is glad the budget process is over.

**Mayor Wunder** stated that he has received a lot of letters that are not signed. In respect, if a person has a complaint, he would love to discuss it, but can't if the person refuses to identify themselves. If you are going to write a letter to the Commission, be man or woman enough to sign your name so that we can discuss the issue.

## **STAFF COMMENTS**

**City Manager, Rod Barnes** thanked his team for the long, but good budget process. We have received a lot of good public input. The City staff works diligently to work with the budget and staying within the approved budget.

**City Engineer, Christina Cook**, updated the Commission on the following projects:

- The traffic signals at the intersections of 6<sup>th</sup> and Jackson Streets and 6<sup>th</sup> and Webster Streets will be fully functional on Thursday.
- Construction on the round-a-bout at Chestnut and East Street is progressing. Beginning Thursday or Friday, traffic will be detoured around the construction on the new alternative traffic lanes. The round-a-bout is expected to be completed in the spring of 2009.
- Construction on Spring Valley Road from McFarland north to Wildcat Lane will begin in the next two weeks. In preparation, detour signs will be posted during the week of August 18<sup>th</sup>, routing traffic around the construction area.
- Rucker Road will be closed to through traffic beginning on Monday. Local traffic access will be maintained during construction. Rucker Road will be closed from North Park Road/Patriot Drive south to Victory Lane. Traffic southbound on Rucker for US Highway 77 or northbound on Rucker Road will be detoured through the Patriot Point addition.
- Rucker Road will also be closed to through traffic from Westwood Boulevard to Rucker Drive. Traffic from Westwood will be detoured north to US 77. Traffic from Eighth Street/Kansas Highway 18 will be detoured on to Rucker Drive. Traffic from

the Patriot Point and Westwood area will need to use 14<sup>th</sup> Street to travel back and forth from the main part of the City. Rucker Road will reopen next spring. The street is being reconstructed to three lanes with curb and gutter and sidewalks on both sides.

- Construction began on the intersection at K-18 and Karns on August 18<sup>th</sup>. The speed limit on K-18 has been reduced to 40 mph during construction.

## EXECUTIVE SESSION

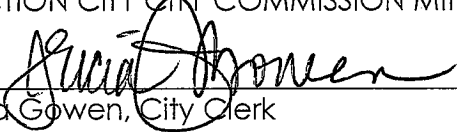
Commissioner Rhodes moved, seconded by Commissioner Heldstab to adjourn into executive session at 8:43 p.m. to reconvene at 8:53 p.m. to discuss financial matters related corporations. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the Commission, City Manager, Assistant City Manager, EDC Retail Specialist, and City Attorney.

Commissioner Rhodes moved, seconded by Commissioner Heldstab to reconvene into regular session at 8:52 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Talley to adjourn at 8:53 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 2<sup>nd</sup> DAY OF SEPTEMBER, 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR AUGUST 19<sup>th</sup> 2008.



Tricia Gowen, City Clerk



Mick Wunder, Mayor